

06-09-03

\$69/2647

Atto Docket No. 54099-8002.US01



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LAU ET AL.  
APPLICATION NO.: 09/660,468  
FILED: SEPTEMBER 12, 2000  
FOR: CYTOKINE COMPOSITION AND METHOD OF ITS PRODUCTION

EXAMINER: DAVID S. ROMEO  
ART UNIT: 1647  
CONF. NO: 6858

#14  
B.G.J  
6/11/03

Supplemental Information Disclosure Statement After First Office Action  
but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

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1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. :

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

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- ☐ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

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- ☐ All cited references  
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☐ The following:

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3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- ☒ Applicant elects to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
- ☒ Check enclosed for \$180.00.  
☐ Please charge the above fee(s) to Deposit Account No. 50-2207 this paper is provided in triplicate.
- ☐ Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
- ☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any



individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))


- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

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Respectfully submitted,  
Perkins Coie LLP

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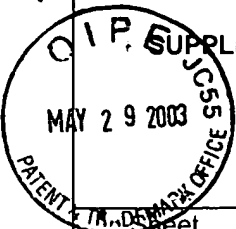
Date: 5-29-03

  
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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

**COMPLETE IF KNOWN**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/660,468         |
| Confirmation Number  | 6858               |
| Filing Date          | September 12, 2000 |
| First Named Inventor | Allan S. Lau       |
| Group Art Unit       | 1646               |
| Examiner Name        | David S. Romeo     |
| Attorney Docket No.  | 54099-8002.US01    |

Sheet 1 of 2

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. | U.S. Patent or Application |                         | Name of Patentee or Inventor<br>of Cited Document | Date of<br>Publication or<br>Filing Date<br>of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear |
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| Examiner<br>Initials* | Cite<br>No. | Foreign Patent or Application |           |                         | Name of Patentee or Applicant<br>of Cited Document | Date of<br>Publication or<br>Filing Date<br>of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T |
|-----------------------|-------------|-------------------------------|-----------|-------------------------|--|--|--|---|
|                       |             | Office                        | NUMBER    | Kind Code<br>(if known) |  |  |  |   |
|                       |             | WO                            | 97/08324  |                         | Regents of Univ of CA                              | 03/06/97   |  |   |
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|                       |             | WO                            | 01/18185  |                         | Genetrol Biotherapeutics                           | 03/15/01   |  |   |
|                       |             | EP                            | 0241242A1 |                         | Cetus Corp   | 10/14/97   |  |   |

PCT Written Opinion from PCT/US01/28711, filed 09/11/2001

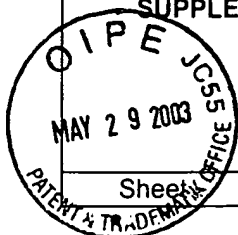
**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item<br>(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city<br>and/or country where published. | T |
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EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).



**SUPPLEMENTAL INFORMATION DISCLOSURE  
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Form PTO-1449 (Modified)

(Use several sheets if necessary)

**COMPLETE IF KNOWN**

Application Number 09/660,468

Confirmation Number 6858

Filing Date September 12, 2000

First Named Inventor Allan S. Lau

Group Art Unit 1646

Examiner Name David S. Romeo

Attorney Docket No. 54099-8002.US01

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|--|-----------------|
| EXAMINER   | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s). |                 |